

**STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE**

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*In the Matter of the PECFA Appeal of*

Michael T. Mulqueen  
Earls Automotive Svc Inc  
12395 Santiago Rd E  
San Diego CA 92128

PECFA Claim # 53110-1409-03  
Hearing #00-735

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**DISMISSAL DECISION  
APPEAL OF LISTED INELIGIBLE COSTS**

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The appeal in this matter was filed with the department on July 6, 2000. The department filed a motion to dismiss on, July 20, 2000. The undersigned has considered the motion and the supporting documents.

Pursuant to §COMM 47.53(1)(b)!, Wis. Adm. Code, "Appeals of items identified as ineligible, as listed in §COMM 47.30(2), shall not be allowed." The administrative law judge in this matter finds that the appellant has appealed a cost that is specifically listed as ineligible in §COMM 47.30(2)(c)3, Wis. Adm. Code, which provides "the following costs may not be reimbursed: Costs associated with full VOC testing after the investigation phase, unless required by the DNR for monitoring PECFA eligible products and the DNR letter documenting the requirement is submitted with the claim." This administrative law judge finds that the appellant has not identified any disputed issue of fact as to whether this cost is a specifically listed ineligible item. The administrative law judge therefore concludes that s/he has no authority to hold a hearing in this matter. Accordingly, the appeal in this matter is hereby dismissed.

<p>This is a final decision of the Department of Commerce. You may request a rehearing Pursuant to §227.49, Stats., within 20 days of the date of this decision, by sending your petition to Dennis Kozich, Chief Counsel Department of Commerce, P.O. Box 7970, Madison, Wisconsin 53707-7970. This decision may be appealed within 30 days of the date of this decision or the date of a decision on a request for rehearing, if any, pursuant to §227.53, Stats. The parties in interest are the Secretary, Department of Commerce, 201 West Washington Ave., 6th Floor, P O Box 7970, Madison, Wisconsin 53707-7970 and the appellant named in the appeal caption above.</p>
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Dated and mailed: October 25, 2000

Administrative Law Judge  
Department of Commerce

Copies to:

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